

REMARKS

Applicants have carefully considered the April 21, 2005 second Office Action regarding the above-identified application, and the amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. Prompt favorable reconsideration of this amended application is requested. Specific issues raised in the Action are addressed below.

Claims 1-3 and 5-18 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,691,158 to Douvikas et al. (hereinafter Douvikas). This rejection is traversed.

The apparatus of independent claim 1 includes means for acquiring sequential user-designated information which changes in accordance with time. The changing sequential information acquired by this element of the apparatus includes selection information. Claim 1 now recites that the acquired information includes “information regarding selections made by a user (formerly “of a user”). The revised language may be broader than the previous version of the claim, which referred to “contents” selection information, however, it should be abundantly clear in view of the amendment above that the included information relates to selections made by the user. The disclosed examples form a log of audio/video program (content) selections or user selection activities through other home devices. It is respectfully submitted that the electronic business card distribution disclosed by Douvikas does not acquire sequential user-designated information which changes in accordance with time, particularly where the sequential information includes information regarding selections made by the user.

The user data record described in Douvikas (e.g. col. 6, line 2) is not sequential information which changes over time, as acquired in the device of claim 1. In item #3, the latest Office Action equates member location information of Douvikas to time variable information, as this information apparently may be changed as the member changes locations. Douvikas teaches

a user input of card information. However, the Douvikas system uses only the latest user input information, even for the variable location information. For example, an expiration date is input with the location information (see e.g. step 1165 in Fig. 14). Data as to previous locations apparently is discarded. However, while set for a particular location, the same ‘card’ data may be sent to any number of third parties without change over time. Cited Figs. 7A and 7B show new member input screens, whereas cited Fig. 15 shows a location input screen (see also column 7, lines 43-54). User input of information, even data input to change the information at various different times as the user moves to new locations, simply does not satisfy the claim requirement. The acquiring means in claim 1 acquires sequential information that changes with time, including information regarding selections made by a user, where the sequential information may be processed to form log information for transmission to an external device. In an apparatus as in claim 1, pieces of information sequential in time are used cumulatively as log information, although the pieces actually sent are restricted based on the accuracy setting information.

By using the terms “sequential” and “changes in accordance with time,” it should be clear that the claim requires information relating to some activity (e.g. user selections) continuing over time and that the log formed from such information includes pieces of information that relate to change over some time. By discarding all but the latest piece, Douvikas does not provide a log formed from pieces of continuing information. It is therefore submitted that the electronic business card data of Douvikas does not satisfy the claim requirements for acquiring and restricting sequential user-designated information which changes in accordance with time, therefore Douvikas does not anticipate claim 1 or any claim dependent therefrom.

It is respectfully submitted that dependent claims specify additional aspects of the apparatus not met by Douvikas and that points taken in the Action are in error, as discussed below.

Regarding Item 4 in page 3 of the Detailed Action, related to claim 2, Douvikas does not disclose in either Fig. 4 or the related part of the specification (co. 5, line 41-45), a technique that transmits the log accuracy information in addition to the log information itself, contrary to the statement in this part of the Action. Douvikas defines, in col. 6 line 1-21, the “privacy level”, which is data based on which the transmitter determines what to transmit to the destination, but the privacy level is not sent together with the actual business card information that the server transmits.

Regarding Item 5 in page 3 of the Detailed Action, related to claim 3, the allegation that in col. 6, line 1-22 of Douvikas discloses an example of the “contents selection information” is in error. This part of the patent only describes the setting of the degree of disclosure. It is not seen how this would suggest acquiring sequential device operation information or sequential AV contents selection information, as in claim 3. Claim 15 similarly distinguishes over Douvikas.

In response to Item 6 in page 3 of the Detailed Action, related to claim 5, the database server 110C, 110D in Douvikas is independent of the device implemented with the Web browser (co. 5, line 5-21) used by the user, and thus Douvikas is different from the claim where the “information processing apparatus” incorporates the “storing means.” Because of this difference, unlike the in-house device 113 and the log storing and transmitting means 410 as shown in Fig. 4 of the present application, the database server 110C, 110D can not communicate a part of the log information to the external device in accordance with the ratio of disclosure.

Regarding Item 9 in page 4 of the Detailed Action, related to claim 8, it is submitted that there is no description related to content that expressly includes both the contents substantial information (e.g. AV actual content) and contents selection information (specifying reproduction method) in either Fig. 4 or the part related thereto in the specification (co. 5, line 45-45) of Douvikas. Content information, as in claim 8, is different from the log information referenced in parent claim 1. Similarly regarding claim 18, content information is different from log information and the log accuracy information, referenced in parent claim 2. Aspects of Douvikas card transmissions cited to purportedly meet claim recitations regarding the log information and the log accuracy information are not the same as the contents substantial information and the contents selection information (see Figs. 3 and 10 of the present application), respectively.

Claim 16 was included in the anticipation rejection. Claim 16 adds pseudo information generating means, to the apparatus of claim 2. Such means are entirely absent from the system of Douvikas.

For at least the reasons outlined above, the anticipation rejection should be withdrawn with respect to claims 1-3, 5-8 and 15-18.

Claims 9 and 10 each specify apparatus for restricting sequential user-designated information which changes with time, in accordance with accuracy setting information. The sequential information includes contents selection information, which relates to contents selections made by a user. Sequential information is transmitted as log information. Although the two claims differ somewhat as to scope, each of the two claimed devices includes means for receiving and accumulating the log information which changes in accordance with time and corresponding log accuracy information. As noted above, the user data record described in Douvikas comprises a fixed information, such as Name, as well as location information, set by

the particular user. However, Douvikas does not process and send pieces of information that are sequential in time. In Douvikas any prior versions of the information (e.g. location) are discarded. However, while one location is set, Douvikas distributes the same unchanged data any number of times. Hence, Douvikas does not meet requirements of either claim. For example, Douvikas does not disclose the claimed means for receiving and accumulating log information which changes in accordance with time. In view of these distinctions, Douvikas does not anticipate either claim 9 or claim 10.

Claim 11 relates to a contents delivery control device, such as a device 101, 1304 or 1410 shown in Applicants' drawings. This claim actually is referring to three different types of information: (1) substantial contents, (2) contents selection information, and (3) log information received from the information processing apparatus. The claimed device includes a contents recording means for storing contents information. The stored contents information (1) includes substantial contents information, that is to say the real or actual contents, as well as contents selection information. Here, the selection information (2) is information that specifies a reproduction method based on restricted information received as log information from the information processing apparatus. The restricted information received as the log information (3) is sequential user-designated information which changes over time, including as information about a user's contents selection. As noted above, the user data described in Douvikas does not correspond to sequential user-designated information which changes over time. It is further submitted that Douvikas does not disclose a device that stores (1) substantial contents and (2) contents selection information, where the contents selection information specifies a method for reproducing the substantial contents based on (3) the log information. The information transmitted by the server of Douvikas is that input by the user. That information doesn't seem to

correspond to or satisfy all three information requirements of claim 11. Hence, Douvikas does not meet all of the requirements of claim 11 and does not anticipate that claim.

Claim 12 relates to an overall contents delivery system. The system includes an information processing apparatus, a log accumulation control device and a contents delivery control device. Examples of such systems appear in Figs. 1, 13 and 14 of the present application. Of note, the information processing apparatus restricts information in accordance with accuracy setting information specifying a ratio of disclosure to an external device. The information that is restricted in this way is sequential user-designated information including information about contents selections by the user. The sequential information changes over time. The information processing apparatus supplies the user-designated information as log information together with log accuracy information generated based on the accuracy setting information, to the log accumulation control device. As noted above, Douvikas does not disclose a device that restricts information comprising sequential user-designated information that changes over time. Also, Douvikas does not disclose a device that sends log information and further sends log accuracy information together with the log. Hence, Douvikas does not meet one or more of the requirements of claim 12 and does not anticipate that claim.

Claim 13 is another system claim. In this claim, the information processing apparatus includes information acquiring means, information notifying means and accuracy setting means. The acquiring means acquires sequential user-designated information, which changes over time, and the next means sends log information to an external device. The notifying means is controlled in accord with the accuracy setting information, to transmit log information obtained by restricting the sequential information with the accuracy setting information. As noted above, Douvikas does not disclose a device that restricts information comprising sequential information

that changes over time. Hence, Douvikas does not meet one or more of the requirements of claim 14 and does not anticipate that claim. Claim 14 depends from 13 and should be allowable over Douvikas for at least the same reason.

Claim 4 was rejected under 35 U.S.C. §103 as unpatentable over Douvikas in combination with U.S. Patent No. 6,754,904 to Cooper et al. (hereinafter Cooper). This rejection also is traversed. Since Douvikas does not meet all of the requirements of parent claim 1, and Cooper is not cited for the missing requirements, the combination of Douvikas and Cooper does not render dependent claim 4 obvious. It is further submitted that claim 4 specifies an additional patentable distinction over the applied documents, as discussed below.

In claim 4, the apparatus further includes pseudo information generating means. This means produces pseudo user-designated information, that is to say a pseudo version of the sequential user-designated information which changes in accordance with time, which was the “user-designated information” acquired in parent claim 1. As claimed, for example, acquired sequential information is replaced with the pseudo user-designated information, in accordance with the accuracy setting information. The disclosed objective of this feature is to make it difficult to distinguish actual user log information from the pseudo information (page 29 line 22-26: “According to the in-home device...log information can be enhanced”). In order to realize this objective, the disclosed pseudo information cannot be easily distinguished from actual user-designated information (page 28 line 16-23: “The pseudo information generating means...thereby generate pseudo user-designated information”).

Cooper was applied as an alleged teaching of pseudo information generating means. Applicants submit, however, that Cooper does not have pseudo information generating means of the type claimed. Cooper actually discloses an enhanced buddy list, which adds information

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about the respective TV show that each person that is listed as being on-line may currently be viewing. The rejection cites Fig. 11, elements 1110, 1108, as an alleged teaching to substitute a “private” label, as a replacement for the correct information. A replacement with a different label does not teach substituting “pseudo user-designated information,” e.g. to make it difficult to distinguish actual user log information from the pseudo information, as in claim 4.

Upon entry of the above claim amendments, claims 1-18 remain active in this application, all of which should be patentable over the art applied in the Action. It is submitted that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the April 21, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview an Examiner’s amendment, it is requested that the Examiner telephone Applicants’ representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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